

ENCLOSURE

Exhibit O

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
THIRD CHURCH of CHRIST, SCIENTIST, of
NEW YORK CITY, :

Plaintiff, :

-against- :

THE CITY OF NEW YORK and PATRICIA J.
LANCASTER, in her official capacity as,
Commissioner of the New York City Department
of Buildings, :

Defendants. :

Case No. 07 Civ. 10960 (DAB)

**DECLARATION OF PHYLLIS H.
WEISBERG**

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PHYLLIS H. WEISBERG, declares under penalty of perjury pursuant to 28
U.S.C. §1746, as follows :

1. I am a member of the firm of Kurzman Karelsen & Frank, LLP, attorneys for the Preservation Coalition (the "Coalition"), a loose association of cooperative apartment corporations formed, *inter alia*, to exercise their right to challenge before governmental agencies, courts, and other appropriate forums the use of 583 Park Avenue, the premises owned by the plaintiff, as a catering establishment. The present members of the Coalition are the cooperative apartment corporations owning the following buildings: 116 and 125 E. 63rd Street, 535, 550, 555, 563, 565, 570, 575 (the owner of which is Beekman Tenants Corporation, served herein as Beekman Hotel and hereinafter referred to as "Beekman"), and 580 Park Avenue. These buildings are all located in the immediate vicinity of Park Avenue and 63rd Street, where 583 Park, the building owned by plaintiff, is located. My firm is also general counsel to 570 Park

Avenue Apartments, Inc. ("570 Park") and 580 Park Avenue, Incorporated ("580 Park"), the cooperative apartment corporations owning 570 Park and 580 Park, respectively, both of which are, as noted above, members of the Coalition. We are also representing these entities, as well as Beekman, with respect to the subpoenas served upon them in this action. We also represent Susan Relyea, a board member of 580 Park, who was also served with a subpoena.

2. I make this Declaration to supplement the information contained in the Privilege Log and provide further detail, including, without limitation, the identification of persons sending and receiving privileged correspondence relating to 583 Park. This Declaration and the Privilege Log are submitted with respect to four subpoenas, two of which were served upon 580 Park (one being served upon Susan Relyea in her capacity as member of 580 Park's Board of Directors), and one each upon 570 Park and Beekman. Except as noted, and subject to a more detailed analysis of the documents, the Privilege Log applies to all four subpoenas.

3. As set forth in the objections served pursuant to FRCP 45(c)(2)(B), dated April 10, 2008 (the "Objections"), the Privilege Log is submitted subject to and without waiving the Objections. Because of the burdensome nature of the requests, including the amount of time and expense that would be required to determine fully which documents are privileged and to describe each of those documents separately, as set forth in the Objections, the itemization in the Privilege Log is only as to categories of documents.

4. In the fall of 2006, our firm was contacted by 580 in connection with issues relating to the establishment of a commercial catering operation at 583 Park Avenue; 583 Park Avenue is located in a residentially zoned district. Shortly thereafter 570 requested we represent it on these issues. As part of our representation of 580 and then 570, we reached out to the larger community to organize the opposition to the catering operation. With a number of buildings joining the effort, the Coalition was formed.

5. The Coalition has opposed the effort to establish a commercial catering operation at 583 Park Avenue, and the effort of the tenant at 583 Park Avenue to obtain a liquor license for that location. In connection with our work for the Coalition, we have reached out to members of the community to enlist their assistance in this effort. We have also prepared for potential administrative and legal proceedings, including, without limitation, possible proceedings before the New York City Board of Standards and Appeals and any Article 78 proceeding related thereto in the Supreme Court of the State of New York in relation to the Department of Buildings permits. We have also prepared to oppose the application for a Special Permit from the New York City Planning Commission and, if necessary, to challenge any determination through administrative and New York State court proceedings. In addition, we have assisted the City of New York in connection with this litigation. Depending upon the outcome of this litigation, the abovementioned proceedings and/or litigation may well lie ahead.

6. Accordingly, the types of privilege being asserted are both attorney client privilege and work product.

7. The following paragraphs identify the individuals referred to by name or by category in the Privilege Log.

8. The following individuals are from the law firm of Kurzman Karelsen & Frank, LLP and have been involved in the representation of the Coalition:

Phyllis H. Weisberg, Esq., Partner

Charles Palella, Esq., Partner

Joanne Seminara Lehu, Esq., Partner

Sandra DeFeo, Esq., Associate

Will Hershkowitz, Paralegal

9. The following individuals are tenant/shareholders, directors and/or officers, or agents thereof. of the cooperative apartment corporations that are members of the Coalition and are, for the purpose of the Privilege Log, included within the term "members of the Preservation Coalition":

Adele Hogan

Alberto Mariaca

Anita Wein

Barbara Hackett

Dana Conroy

Douglas Paul

Drew Moschella

Edward Meyer

Elizabeth Graham

Elizabeth Paul

George Davis
George Faris
George Lowy
Geraldine Ferraro
Ian McKenzie
Jamie Grau
Janice Negrin
Jim Rosenfield
Joel Zweibel
John O'Connor
John Pyne
John Zaccaro
Kevin Morrissey
Linda Ferrari
Louise Arias
Luisa Pagel
Maryann Marston
Michael Crames
Mildred Brinn
Monte Hackett
Norton Belknap
Pat McGill
Patty Marcus

Perry Offutt

Peter Price

Lauren Saverine

Philip Cowen

Phyllis & Bernard Levanthal

Robert Marston

Robert Stone

Robin Hubbard

Russ Heigel

Shawn & Peter Leibowitz

Steve McPherson

Stuart Hirshfield

Susan Relyea

Tom Hinckley

Wendy Breck

Wesley McCain

William Williams

10. The following individuals are from the law firm of Stroock, Stroock & Lavan, which is both general counsel to Beekman and Special Counsel to the Coalition:

Richard Siegler, Esq. - Partner

Ross Moskowitz, Esq. - Partner

Penny Levine, Esq. – Special Counsel

Jaime Solomon, Esq. - Associate

Susan Shaw - Paralegal

11. The following individuals are consultants to the Coalition:

Jim Grossman and Scott Lewis, employees of Rubenstein Associates, Inc., public relations and lobbying firm.

Jim Cummins, videographer.

Joseph Trivisonno, consultant/architect.

Bruce Gamill, City Expediting Services, Inc.

12. Ave Maria Brennan, Esq. and Gabriel Taussig, Esq. are assistant corporation counsels in the New York City Law Department.

13. The following are individuals who do not reside in buildings that belong to the Coalition, but from whom we have sought assistance for the Coalition and who have been involved in the Coalition's efforts:

Stuart Oran

Patrick Rohan

Christine Taylor

Kim Voigt

Wolfgang Reinicke

Patricia Salkin

Lora Lucero

Prof. Marci Hamilton

Representatives of American Properties

Anna Miller

14. The following are representatives of and/or associated with community groups from whom we have sought support for the Coalition and/or who have been involved in the Coalition's efforts:

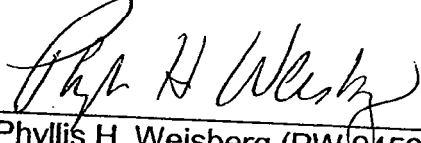
T. Gorman Reilly and Joseph Walsh of Civitas Citizens Inc., a community group supporting the Coalition

Eleuteria Slater in her capacity as President of Defenders of the Historic Upper East Side

Martin Kera, Esq., as attorney for Civitas Citizens Inc. and Defenders of the Historic Upper East Side

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 10, 2008 at New York, New York.


Phyllis H. Weisberg (PW 9452)